

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

SINCLAIR BROADCAST GROUP,  
INC.

Petitioner,

v.

FEDERAL COMMUNICATIONS  
COMMISSION and UNITED  
STATES OF AMERICA,

Respondents.

Case No. 14-1179

(consolidated with Case No. 14-  
1154)

**EXPANDING OPPORTUNITIES FOR BROADCASTERS  
COALITION’S MOTION FOR LEAVE TO INTERVENE  
IN SUPPORT OF RESPONDENTS**

Pursuant to 28 U.S.C. § 2348 and Federal Rule of Appellate Procedure 15(d), the Expanding Opportunities for Broadcasters Coalition (“EOBC”) moves for leave to intervene as of right in support of the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding.<sup>1</sup>

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<sup>1</sup> Although the above-captioned case has been consolidated with Case No. 14-1154, *National Association of Broadcasters v. Federal Communications Commission and United States of America*, EOBC wishes to intervene only in the above-captioned case. See D.C. Cir. R. 15(b) (“A motion to intervene in a case before this court concerning direct review of an agency action will be deemed a motion to intervene in all cases before this court involving the same agency action or order . . . unless the moving party specifically states otherwise.”).

Petitioner Sinclair Broadcast Group, Inc. seeks review of the Commission's Report and Order establishing rules for the Incentive Auction to reallocate spectrum from television broadcasting to wireless broadband as authorized by the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, § 6402 (2012) ("Auction Statute"). *See Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, GN Dkt. No. 12-268, 29 FCC Rcd. 6567 (2014) ("Report and Order"). If successful, Petitioner's appeal will harm EOBC's members.

EOBC is a coalition of eighty television broadcast stations considering participation in the Incentive Auction. EOBC broadcasters that are successful in the auction will surrender their spectrum (or move to less desirable spectrum) and receive a payment from the FCC. Some broadcasters who surrender spectrum will continue in business by sharing part of another broadcaster's spectrum.

EOBC has been an active participant in the proceeding below and generally supports the Report and Order challenged by Petitioner. EOBC members believe that the rules adopted in the Report and Order provide the necessary framework for fair, market-driven payments to broadcasters—including its members—who may choose to relinquish some or all of their

spectrum usage rights. In their extensive business planning, EOBC member broadcasters have relied in good faith that the auction will occur under the rules adopted in the Report and Order and on the timetable set forth by the FCC. Petitioner, by contrast, has brought a challenge in which it urges the Court to “hold unlawful, vacate, enjoin, and set aside” the Report and Order. Grant of this relief would deprive EOBC broadcasters of the opportunity to participate in the auction as planned.

Accordingly, EOBC is a “party in interest” entitled to intervene as of right in this case because it participated “in the proceeding before the agency,” and its “interests will be affected” if the *Order* “is . . . enjoined, set aside, or suspended.” 28 U.S.C. § 2348. For these reasons, EOBC respectfully requests that the court grant its motion to intervene as of right in the above-captioned case.

Dated: October 1, 2014

Respectfully submitted,

/s/ Preston R. Padden  
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**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Fed. R. App. P. 26.1 and D.C. Cir. R. 26.1, the Expanding Opportunities for Broadcasters Coalition (“EOBC”) states that it is a non-profit, non-stock corporation organized under the laws of the District of Columbia. EOBC has no parent corporation, and no publicly-held company holds a 10% or greater ownership interest in EOBC. Insofar as relevant to this litigation, EOBC’s general nature and purpose is to advocate the positions of broadcast television stations that wish to ensure the success of the Federal Communications Commission’s planned Incentive Auction to reallocate spectrum from broadcasting to wireless broadband.

Dated: October 1, 2014

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**CERTIFICATE AS TO PARTIES**

Pursuant to D.C. Cir. R. 27(a)(4) and D.C. Cir. R. 28(a)(1)(A), the Expanding Opportunities for Broadcasters Coalition (“EOBC”) certifies that the Petitioner in this matter is Sinclair Broadcast Group, Inc., and the Respondents are the Federal Communications Commission (“FCC”) and the United States of America. EOBC seeks leave to appear in this matter as an Intervenor in support of the FCC. The Consumer Electronics Association has also sought leave to appear in this matter as an Intervenor in support of the FCC, and the Competitive Carriers Association has sought leave to appear in consolidated Case No. 14-1154 as an Intervenor in support of the FCC. No amici have appeared before this Court.

Dated: October 1, 2014

Respectfully submitted,

/s/ Preston R. Padden

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**CERTIFICATE OF SERVICE**

I hereby certify that, on October 1, 2014, I filed the foregoing Expanding Opportunities for Broadcasters Coalition's Motion for Leave to Intervene in Support of Respondents, Corporate Disclosure Statement, and Certificate as to Parties with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit using the appellate CM/ECF system. I certify further that participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. In addition, copies of the foregoing have been sent by first-class mail to the following:

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